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FROM: Chuck Holland**DATE:** November 22, 2004

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Comments:

Attorney Docket No.: 544862000200
Group Art Unit: 3744
Examiner: C. Jiang
Application No. 10/714,468
Filed: November 14, 2003
Inventor(s): Benjamin J. KREMPEL
Title: SYSTEMS FOR REGULATING THE TEMPERATURE OF A HEATING OR COOLING
DEVICE USING NON-ELECTRIC CONTROLLERS AND NON-ELECTRIC CONTROLLERS
THEREFOR
Papers Attached:

1. Transmittal Form (1 page)
2. Response to Restriction Requirement (3 pages)


PTO/SB/21 (09-04)

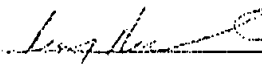
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/714,468
		Filing Date	November 14, 2003
		First Named Inventor	Benjamin J. KREMPEL
		Art Unit	3744
		Examiner Name	C. Jiang
Total Number of Pages in This Submission	4	Attorney Docket Number	544862000200

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (3 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below). Facsimile Cover Sheet
Remarks		

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Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Rick Shoop		
Date	November 22, 2004	Reg. No.	45,763

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Dated: November 22, 2004	Signature:  (Kerry C. Kechum)

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Dated: 11/22/04

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(Kirby C. Keeton)

Docket No.: 544862000200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Benjamin J. KREMPEL

Application No.: 10/714,468

Art Unit: 3744

Filed: November 14, 2003

Examiner: C. Jiang

For: SYSTEMS FOR REGULATING THE
TEMPERATURE OF A HEATING OR
COOLING DEVICE USING NON-ELECTRIC
CONTROLLERS AND NON-ELECTRIC
CONTROLLERS THEREFOR

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated October 26, 2004 (Paper No. 20041022), which set forth a restriction/election of species requirement for pending claims 1-23. A response was due on November 26, 2004. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

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In the outstanding Office Action, the Examiner imposed a restriction requirement between:

- I. Figs. 1A, 1B and 1C
- II. Figs. 2A, 2B and 2C
- III. Figs. 3A, 3B and 3C
- IV. Figs. 4A, 4B and 4C

The Examiner further requires an election of single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant hereby elects species II (Figs. 2A, 2B and 2C), without traverse, and identifies claims 1-16, 21 and 22 as being readable upon species II. Although the Examiner has not identified any claims as being generic, Applicant notes that generic claims are pending.

Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

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REMARKS

Applicant requests examination of the elected subject matter on the merits.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 544862000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: 11-22-04

Respectfully submitted,

By 
Rick Shoop
Registration No.: 45,763
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pa-932392

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